UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.11/Add.7
23 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

Draft report of the Commission

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II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FOURTH SESSION

B. Decisions

1998/101. Organization of work

At its 2nd meeting, on 17 March 1998, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(b) In connection with item 5: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(c) In connection with item 6: Mr. A. García Revilla, Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development;

(d) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(e) In connection with item 8: Mr. K. Sibal, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(f) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(g) In connection with item 8: Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(h) In connection with item 8 (a): Mr. N.S. Rodley, Special Rapporteur on the question of torture;

(i) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(j) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(k) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(l) In connection with item 9 (a): Ms. P. Flor, Chairperson of the Commission on the Status of Women;

(m) In connection with item 9 (a): Ms. S. Khan, Chairperson of the Committee on the Elimination of Discrimination Against Women (CEDAW);

(n) In connection with item 9 (d): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(o) In connection with item 10: Mr. M. Copithorne, Special Representative of the Secretary-General on the situation of human rights in the Islamic Republic of Iran;

(p) In connection with item 10: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(q) In connection with item 10: Mr. P. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(r) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(s) In connection with item 10: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(t) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(u) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(v) In connection with item 10: Mr. G. Bíró, Special Rapporteur on the situation of human rights in the Sudan;

(w) In connection with item 10: Mr. M. Moussalli, Special Representative on the situation of human rights in Rwanda;

(x) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(y) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(z) In connection with item 10: Mr. S. Sorabjee, Special Rapporteur on the situation of human rights in Nigeria;

(aa) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 10 (b);

(bb) In connection with item 10 (b): Ms. E. Aouij, independent expert;

(cc) In connection with item 11: Mr. J. Bustamante, Chairman-Rapporteur of the Working Group of intergovernmental experts on human rights of migrants;

(dd) In connection with item 12: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(ee) In connection with item 14: Mr. P. Alston, Chairman of the eighth and ninth meetings of the Chairpersons of the human rights treaty bodies;

(ff) In connection with item 15: Mr. J. Bengoa, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session;

(gg) In connection with item 15: Mr. B. Lindqvist, Special Rapporteur on disability of the Commission for Social Development (Commission decision 1997/107);

(hh) In connection with item 17: Mr. T. Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(ii) In connection with item 17: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(jj) In connection with item 17: Ms. M. Rishmawi, independent expert on the situation of human rights in Somalia;

(kk) In connection with item 17: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(ll) In connection with item 17: Mr. D. Garcia-Sayan, member of Secretary-General's Mission to Guatemala;

(mm) In connection with item 18: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(nn) In connection with item 19: Mr. J. Helgesen, Chairman-Rapporteur of the working group on the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

(oo) In connection with item 20: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(pp) In connection with item 20: Mr. O. Otunnu, Special Representative of the Secretary-General on impact of armed conflict on children;

(qq) In connection with item 20 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(rr) In connection with item 20 (d): Mr. J.I. Mora Godoy, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(ss) In connection with item 23: Mr. J. Urrutia, Chairman-Rapporteur of the working group established in accordance with Commission resolution 1995/32.

[See chap. III.]

1998/102. Effects of structural adjustment policies on the full enjoyment of human rights

At its 38th meeting, on 9 April 1998, the Commission on Human Rights, recalling its decision 1997/103 of 3 April 1997 and taking note of the notes by the Secretariat in this regard (E/CN.4/1998/26 and E/CN.4/1998/27), in particular the decision of the Bureau of the fifty-third session that the second session of the open-ended working group on structural adjustment programmes and economic, social and cultural rights should be rescheduled to take place after the fifty-fourth session of the Commission on Human Rights, decided by a roll-call vote of 36 votes to 14, with 3 abstentions:

(a) To authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon and to report to the Commission;

(b) To request the independent expert appointed by the Chairman of the fifty-third session of the Commission to submit his report for circulation and comment as envisioned in decision 1997/103 and for consideration by the working group;

(c) To request the Secretary-General to provide all necessary assistance and resources to enable the working group to complete its work, including the circulation for comment of the report of the independent expert as envisioned in decision 1997/103, and to provide the independent expert with all the necessary assistance and resources to carry out his mandate.

The Commission recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights decision 1998/102 of 9 April 1998, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and comments received thereon and to report to the Commission at its fifty-fifth session. In order that the working group may carry out its mandate, the Council decides:

"(a) To request the Secretary-General to circulate the study of the independent expert to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

"(b) Also to request the Secretary-General to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

"(c) Further to request the Secretary-General to provide all necessary assistance and resources to enable the working group to complete its task and to provide the independent expert with all the necessary assistance and resources to carry out his mandate."

[see chap. V.]

1998/103. Protection of the heritage of indigenous people

At its 38th meeting, on 9 April 1998, the Commission on Human Rights, taking note of resolution 1997/13 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorsed, without a vote, the recommendation of the Sub-Commission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31, annex) and the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous people and competent indigenous persons.

[See chap. XXIII.]

1998/104. Human rights and scientific and technological developments

At its 51st meeting, on 17 April 1997, the Commission on Human Rights, taking note of resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling that at its present session the Commission will not consider the agenda item entitled "Human rights and scientific and technological developments", recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers in which the subject and the purpose of the proposed study are clearly identified, decided, without a vote, to request the Sub-Commission to reconsider its recommendation to appoint a Special Rapporteur on human rights and scientific and technological developments.

[See chap. XV.]

1998/105. Study concerning the right to freedom of movement

At its 51st meeting, on 17 April 1998, the Commission on Human Rights, taking note of resolution 1997/30 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the working paper submitted by Mr. Volodymyr Boutkevitch to the Sub-Commission on the right to freedom of movement and related issues, recognizing the important work in this field by the Special Rapporteur of the Commission, Mr. José D. Ingles and Mr. C.L.C. Mubanga Chipoye, recognizing also the important role of both the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in this field and in related areas, recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers in which the subject and the purpose of the proposed study are clearly identified, decided, without a vote, to return to the question of the appointment of Mr. Boutkevitch as Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country, at its fifty-fifth session, on the basis of a further and extended working paper.

[See chap. XV.]

1998/106. Freedom of movement and population transfer

At its 52nd meeting, on 17 April 1998, the Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/29 of 28 August 1997, decided, without a vote, to recommend to the Economic and Social Council that the final report of Mr. Awn Al-Khasawneh, Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1997/23), be published and widely disseminated.

[See chap. IX.]

1998/107. Human rights and terrorism

At its 52nd meeting, on 17 April 1998, the Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/39 of 28 August 1997, decided, by a roll-call vote of 37 votes to none, with 16 abstentions, to approve the appointment of

Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28), and to request the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. IX.]

1998/108. Question of human rights and states of emergency

At its 56th meeting, on 21 April 1998, the Commission on Human Rights, taking note of resolution 1997/27 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the final report and tenth annual list of States, which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission on the question of human rights and states of emergency (E/CN.4/Sub.2/1997/19 and Add.1), and recognizing the important work done by Mr. Despouy, and recalling its resolution 1997/22 of 11 April 1997 in which it requested the Sub-Commission to give particular attention to the process of selection of studies, decided, without a vote, to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period.

[See chap. XV.]

1998/109. Question of human rights in Cyprus

At its 57th meeting, on 21 April 1998, the Commission on Human Rights decided, without a vote, to retain on its agenda item 10 (a), entitled "Question of human rights in Cyprus", and to give it due priority at its

fifty-fifth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1998/110. Organization of the work of the fifty-fifth session of the Commission on Human Rights

At its 58th meeting, on 22 April 1998, the Commission on Human Rights, taking note of Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, decided, without a vote, that the fifty-fifth session of the Commission should be scheduled to take place from 15 March to 23 April 1999.

[See chap. III.]

1998/111. Organization of the work of the fifty-fifth session of the Commission on Human Rights

At its 58th meeting, on 22 April 1998, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-fourth sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fifth session;

(b) To request the Chairman of the Commission at its fifty-fifth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if such meetings proved to be absolutely necessary.

[See Chap. III.]